

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 24] NEW DELHI, WEDNESDAY, SEPTEMBER 2, 1959/BHADRA 11, 1881

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 2nd September, 1959/Bhadra 11, 1881 (Saka)

The following Acts of Parliament received the assent of the President on the 1st September, 1959, and are hereby published for general information:—

THE ROAD TRANSPORT CORPORATIONS (AMENDMENT) ACT, 1959

No. 28 of 1959

[1st September, 1959]

An Act further to amend the Road Transport Corporations Act, 1950.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Road Transport Corporations (Amendment) Act, 1959.

Short title.

2. Section 6 of the Road Transport Corporations Act, 1950 (hereinafter referred to as the principal Act) shall be re-numbered as sub-section (1) thereof and after the sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment
of section 6.

“(2) Nothing in clause (d) of sub-section (1) shall be deemed to disqualify the Chief Executive Officer or General Manager of a Corporation for being chosen as, or for being, a member thereof.”.

Amendment of section 12. 3. In clause (c) of section 12 of the principal Act, after the words "General Manager", the words "or any other officer of the Corporation" shall be inserted.

Amendment of section 19. 4. In sub-section (1) of section 19 of the principal Act, after clause (c), the following clauses shall be inserted, namely:—

"(d) to authorise the issue of passes to its employees and other persons either free of cost or at concessional rates and on such conditions as it may deem fit to impose;

(e) to authorise the grant of refund in respect of unused tickets and concessional passes."

Amendment of section 26. 5. Section 26 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) With the previous approval of the State Government and the Central Government, a Corporation may also borrow money in the open market for the purpose of meeting any expenditure of a capital nature."

Amendment of section 30. 6. In section 30 of the principal Act, for the words "and the balance shall be made over to the State Government for the purpose of road development", the following shall be substituted, namely:—

"and out of the balance such amount as may, with the previous approval of the State Government and the Central Government, be specified in this behalf by the Corporation, may be utilised for financing the expansion programmes of the Corporation and the remainder, if any, shall be made over to the State Government for the purpose of road development".

Amendment of section 32. 7. In sub-section (3) of section 32 of the principal Act, for the words "A Corporation may sanction", the words "Subject to such conditions and restrictions as may be specified in this behalf by the State Government, a Corporation may sanction" shall be substituted.

Substitution of section 33. 8. For section 33 of the principal Act, the following section shall be substituted, namely:—

Accounts and Audit. "33. (1) The Corporation shall maintain proper accounts and other records and prepare an annual statement of accounts including the profit and loss account and the balance sheet in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of a Corporation shall be audited annually by the Comptroller and Auditor-General of India or his nominee and any expenditure incurred by him in connection with such audit shall be payable by the Corporation to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of a Corporation shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporation.

(4) The accounts of the Corporation as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government; and that Government shall cause the same to be laid before the Legislature of the State.”.

9. In section 35 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:— Amendment
of section 35.

“(3) The State Government shall cause the annual report referred to in sub-section (2) to be laid before the Legislature of the State.”.

10. In section 37 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:— Amendment
of section 37.

“(3) Every notification issued under this section together with a report on the circumstances leading to its issue shall be laid before the Legislature of the State, as soon as may be, after it is issued.”.

11. Section 41 of the principal Act shall be omitted.

Omission of
section 41.

12. In sub-section (2) of section 44 of the principal Act,—

Amendment
of section 44.

(a) for clause (j), the following clause shall be substituted, namely:—

“(j) the form in which the annual statement of accounts shall be prepared;” and

(b) clause (k) shall be omitted.

Amendment
of section 45.

13. In sub-section (2) of section 45 of the principal Act, after clause (c), the following clauses shall be inserted, namely:—

“(d) the issue of passes to the employees of the Corporation and other persons under section 19;

(e) the grant of refund in respect of unused tickets and concessional passes under section 19.”.

THE PUBLIC WAKFS (EXTENSION OF LIMITATION) ACT, 1959

No. 29 of 1959

[1st September, 1959]

An Act to extend the period of limitation in certain cases for suits to recover possession of immovable property forming part of public wakfs.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Public Wakfs (Extension of Limitation) Act, 1959.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Definition.

2. In this Act, “public wakf” means the permanent dedication by a person professing Islam of any immovable property for any purpose recognised by Muslim Law as a public purpose of a pious, religious or charitable nature.

Extension
of period
of limita-
tion in cer-
tain cases
for suits to
recover
possession
of immov-
able pro-
perty form-
ing part of
public
wakfs.

3. Where a person entitled to institute a suit of the description referred to in article 142 or article 144 of the First Schedule to the Indian Limitation Act, 1908, for possession of any immovable property forming part of a public wakf or any interest therein has been dispossessed, or has discontinued the possession, at any time after the 14th day of August, 1947, and before the 7th day of May, 1954, or, as the case may be, the possession of the defendant in such a suit has become adverse to such person at any time during the said period, then, notwithstanding anything contained in the said Act, the period of limitation in respect of such a suit shall extend up to the 15th day of August, 1967.

4. (1) The Public Wakfs (Extension of Limitation) Ordinance, 1959, is hereby repealed. ^{Repeal and} _{saving.}

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 20th day of July, 1959.

G. R. RAJAGOPAUL, Secy.

